



Private
Rented
Sector 2019

A changing sector?
Raising standards for private renters
20th November, The Skainos Centre. 9:30-16:00

An update on the new HMO regime

Kevin Bloomfield
NIHMO Manager



NI Houses
in Multiple
Occupation

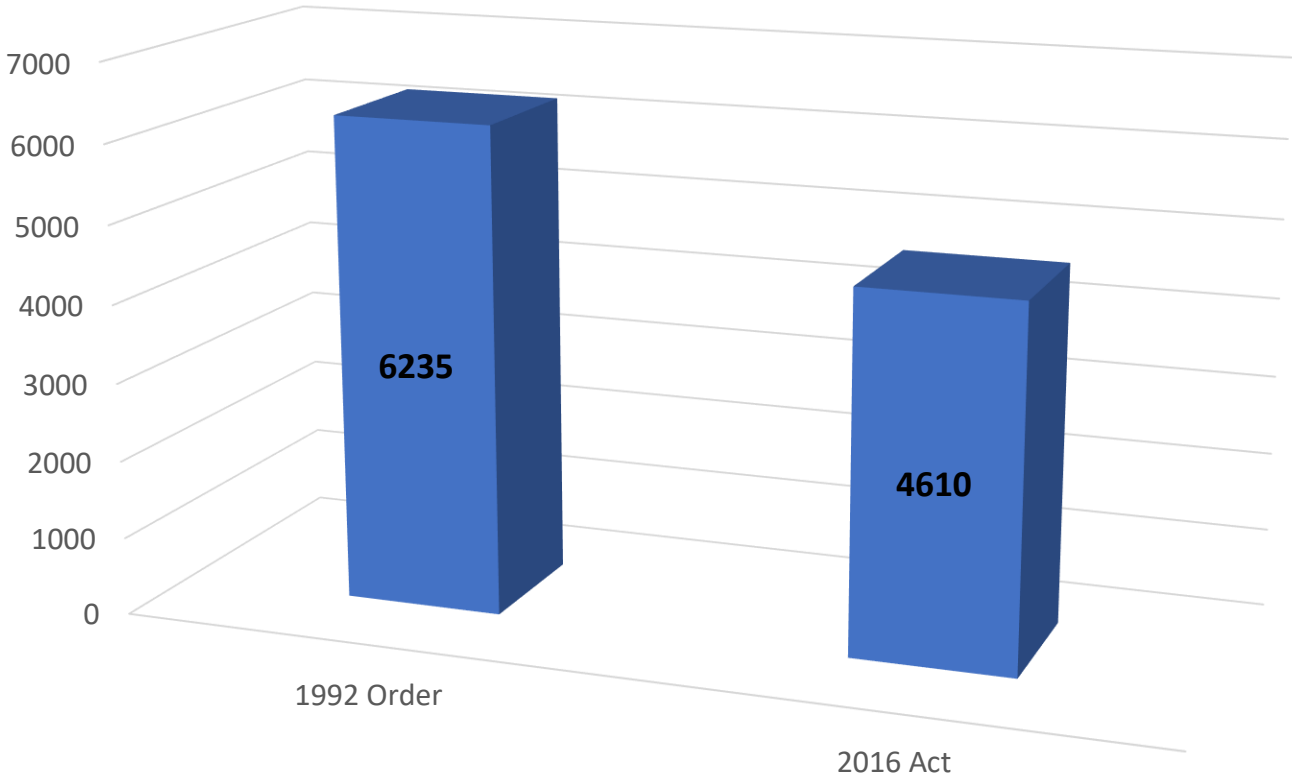
My New HMO (803 inspections from 1st April – 31st October)



“In a world where downtime is more wishful thinking than reality, it’s essential that your home offers true tranquility, space, and comfort.”

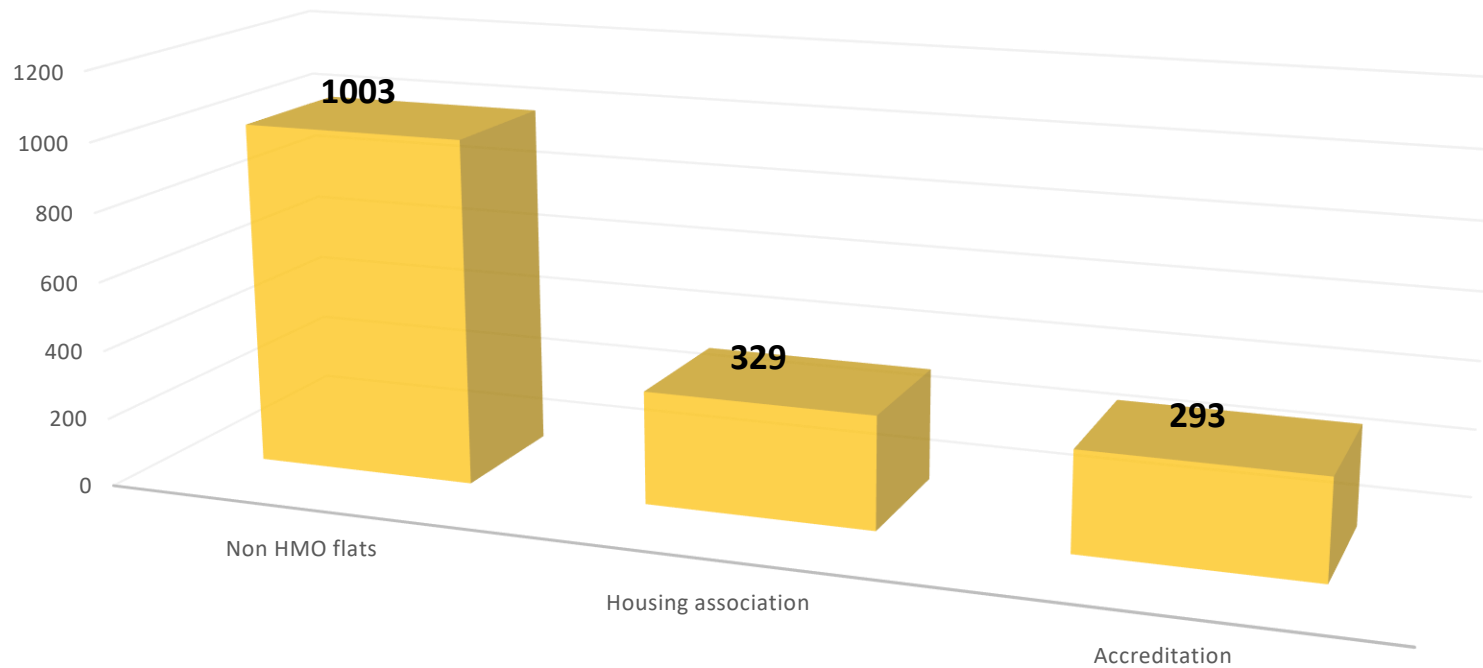
Definition change

HMO Definition



Definition change

Removed from definition



HMO Licenses Applications

- a) *The occupation of the living accommodation as an HMO would not constitute a breach of planning control – **New applications only***
- b) *The owner of the living accommodation, and any managing agent of it, are fit & proper persons (Section 10)*
- c) *The granting of the licence will not result in overprovision of HMOs in the locality – **New applications only***
- d) *The proposed management arrangements for the living accommodation are satisfactory.*
- e) *The living accommodation is fit for human habitation and*
 - i. *Is suitable for occupation as an HMO – Section 13, or*
 - ii. *can be made suitable by including conditions in the licence under section 14*

Every house in multiple occupation (“HMO”) must be licensed under this Act (unless a temporary exemption notice under section 15 is in effect in respect of it)



**NI Houses
in Multiple
Occupation**

HMOs & Planning

Refusal of Application: Breach of Planning Control

New applications without planning will be refused by the council in accordance with paragraph 5 to 7 of Schedule 2 (breach of planning control) – **there is no appeal against this decision**

Section 20 - Renewal of Licence

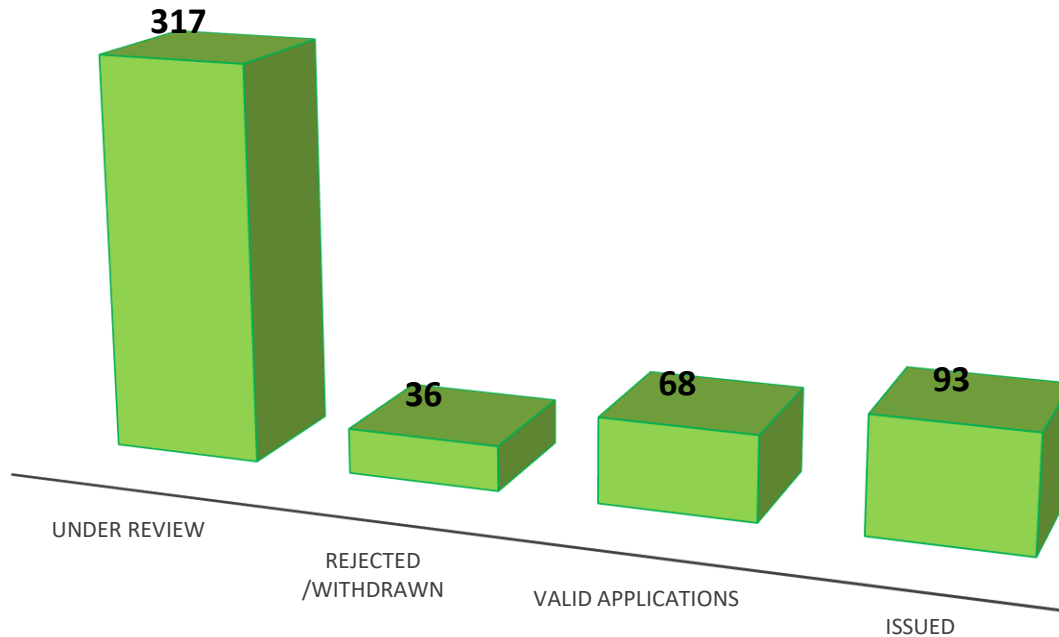
No consideration will be given to breach of planning control at renewal

20(2) An application to renew a licence must be made before the licence ceases to have effect.



Applications (1st April – 11th November)

Licence Applications (514)

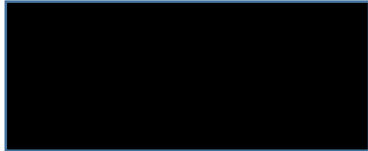


NI Houses in Multiple Occupation Unit

Being dealt with by: Kevin Bloomfield

Ext: 028 9027 0414

Date: 07 November 2019



Houses in Multiple Occupation Act (Northern Ireland) 2016

Edward O'Neill a person authorised in writing by Belfast City "The Council" called to the accommodation known as [REDACTED] on 4 November 2019 and found the accommodation to be in HMO usage. The property was occupied by 4 persons from more than two households.

Section 7(1) states that every house in multiple occupation ("HMO") must be licensed under the act (unless a temporary exemption notice under section 15 is in effect in respect of it)

The council has no record of the accommodation being licensed nor is there a temporary exemption notice in place.

I must point out that Section 30(2) of the Act states that -

Unlicensed HMO

30—(2) If—

- (a) an HMO is required to be licensed under section 7 but is not so licensed,
 - (b) any person, acting as an agent for the owner of an HMO, does anything that the agent knows will permit or facilitate the occupation of the HMO by any other person, and
 - (c) the agent does not have a reasonable excuse for doing so,
- the agent commits an offence.

If you have a reasonable excuse in accordance with section 30(2) please submit same within 7 days of the date of this letter. If you do not have a reasonable excuse, the council intends to take action against you, further to section 30(2).

In accordance with Code C of the Codes of Practice issued pursuant to the Police and Criminal Evidence (Northern Ireland) Order 1989 I would caution you in the following terms:-

'You do not have to say anything, but I must caution you that if you do not mention when questioned something which you later rely on in Court, it may harm your defence. If you do say anything it may be given in evidence.'

This means that:-

- You have the right not to respond to this letter;
- however, if you exercise this right, and this matter should proceed to court and you then say something in court that you haven't said at this time, the court may draw an adverse inference from your failure to write it in response to this letter
- what you do put in writing in response to this letter, may be given in evidence

You may wish to obtain independent legal advice before responding to this letter and any such response should be made by a person entitled to speak on your behalf.

Yours sincerely

Kevin Bloomfield
HMO Manager

NI Houses in Multiple Occupation Unit

Belfast City Council, The Cecil Ward Building, 4-10 Linenhall Street, Belfast, BT2 8BP
Telephone: 028 9027 0414 Telephone: 028 9027 0405 Email: nihmo@belfastcity.gov.uk
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FPN - Reasonable Excuses Received

- I'm too old for all this
- You never told me I needed to renew my licence
- I thought my managing agent done all that stuff
- I was on holiday and it slipped my mind
- I wasn't well (treatment stopped 18 months before the renewal date)
- This isn't my real job
- I'm looking after an elderly relative



Reasonable Excuse (the best one)

“My wife found out I was cheating and threw all my stuff out ...,”

HMO Act (NI) 2016

Value of FPN



Emerging issues

- Tenants being threatened with immediate eviction as a result of HMO enforcement being taken against their landlords.
- Uptake in Section 15 - Temporary Exemption Notices (Primarily to avoid FPNs – 15 issued)
- Death of the sole licence holder (3 months rule)
- Late renewal application (Planning kicks in)

Anti-Social Behaviour

- Approved ASB plan
- Landlord must maintain a register of complaints
- Must be able to demonstrate to the satisfaction of the council that they took all reasonable steps to try to resolve the complaint.
- The register of complaints and associated actions must be made available to the council on demand.

Our message to owners / managing agents

Work with us and we'll work with you to get your HMO licensed...,

...however, if you don't take your responsibilities seriously, the HMO Act (NI) 2016 gives us the tools to make you.